

Sentence Review Division  
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(406) 841-2976

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,	)	Cause No. DC-09-106
	)	
Plaintiff,	)	Lake County District Court
	)	Montana Twentieth Judicial District
	)	
-vs-	)	<b>DECISION</b>
	)	
DAVID MARTINEZ,	)	
Defendant.	)	

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On June 20, 2019, the Defendant's suspended sentence for Assault with a Weapon was revoked and he was sentenced to the Montana State Prison for eight years to run consecutively to the sentence imposed in Lake County Cause No. DC-09-112. The Defendant received credit for time served of 147 days.

On November 8, 2019, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant was present and was represented by John Ferguson, Defense Counsel. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 8<sup>th</sup> day of November, 2019.

DATED this 11<sup>th</sup> day of December, 2019.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



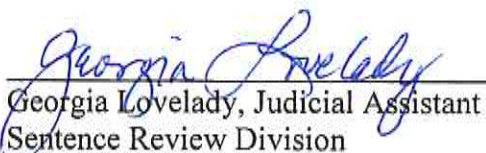
Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 13<sup>th</sup> day  
of December, 2019, to:

Clerk of District Court (Original)  
David Martinez #3003803, Defendant (2)  
Hon. Deborah Christopher  
John J. Ferguson, Defense Counsel  
James A. Lapotka, Esq.  
Board of Pardons and Parole  
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant  
Sentence Review Division